

THIRTY-THIRD DAY

(Tuesday, March 11, 1941)

The Senate met at 10:01 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Reports of Standing Committees

Senator Aikin submitted the following reports:

Austin, Texas,
March 10, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 291, A bill to be entitled "An Act relating to the salaries of all State officers except those Constitutional State officers whose salaries are specifically fixed by the Constitution; specifically providing that the Legislature shall fix the amount of compensation to be paid clerks of the courts of civil appeals, the supreme court, and the court of criminal appeals out of fees of office; and specifically repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended by committee amendments Nos. 1, 2, and 3, and be printed.

AIKIN, Chairman.

Austin, Texas,
March 10, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 106, A bill to be entitled "An Act making an appropriation for the use of the San Antonio River Canal and Conservancy District, providing that it shall be repaid to the State of Texas; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Weinert submitted the following report:

Austin, Texas,
March 11, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 482, A bill to be entitled "An Act validating certain bonds heretofore authorized to be issued under the authority of Chapter 83 of the Acts of the First Called Session of the Forty-first Legislature in reference to acquisition of lands by cities and counties for airport purposes; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Senator Kelley submitted the following report:

Senate Chamber,
Austin, Texas,
March 6, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 219, A bill to be entitled "An Act providing that no election

for the dissolution of school districts shall be held until three years have elapsed after the date of the election at which such districts were consolidated; and no election for the consolidation of the same school districts shall be held until three years have elapsed after the date of the election at which consolidation of the same school districts was defeated; repealing all laws in conflict therewith; and declaring an emergency."

Have had the same under consideration and are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Senator Sulak submitted the following reports:

Austin, Texas,
March 11, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 248, A bill to be entitled "An Act to amend Title 71, Chapter 1, Article 4418f, Acts of the Fortieth Legislature, First Called Session, 1927; Articles 4427, 4430, and 4434, Revised Civil Statutes, 1925; and Chapter 4, Article 4477, Rule 2, Revised Civil Statutes, 1925; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SULAK, Chairman.

Austin, Texas,
March 11, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 198, A bill to be entitled "An Act to amend Article 4522 of the Revised Civil Statutes of Texas, 1925, providing for the use of the letters "R. N." and providing for the operation of registration bureaus by registered nurses."

Have had the same under consideration, and I am instructed to report that the original bill do not pass, but to report the committee substitute do pass and be printed.

SULAK, Chairman.

Senator Brownlee submitted the following report:

Austin, Texas,
March 10, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 77, A bill to be entitled "An Act to amend Section 8 of Chapter 282, Acts of the Regular Session, Forty-second Legislature, 1931; providing a saving clause; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be printed.

BROWNLEE, Chairman.

Senate Bills on First Reading

The following bills were introduced, read severally first time and referred by the President to the committees indicated:

By Senator Isbell:

S. B. No. 266, A bill to be entitled "An Act providing for a separate depository for the administration of the school funds of the Prosper Independent School District; providing for a depository bond; providing for the management of the schools of the Prosper Independent School District; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senators Formby, Chadick and Lovelady:

S. B. No. 267, A bill to be entitled "An Act prohibiting any department, board or agency of the State of Texas, or the head or heads thereof, from renting or leasing offices, office space, or buildings of any kind for any purpose for a longer period than one year; and declaring an emergency."

To Committee on State Affairs.

By Senator Brownlee:

S. B. No. 268, A bill to be entitled "An Act authorizing the State Board of Control to construct, furnish, equip, operate and maintain a building and to purchase a site therefor, to be leased to the State of Texas and its various agencies, departments and

bureaus, now existing or hereafter created, whether partly or wholly supported by the State of Texas, for office purposes, and any part of said building not presently needed for use by the State to be leased to other tenants, authorizing the State Board of Control to issue bonds payable solely from the rentals to be derived from said leases for the purpose of paying the cost of such construction, furnishing and equipment and site, authorizing the State Board of Control to enter into covenants and agreements in that connection, providing remedies in the event of a default in the payment of said bonds, providing that such bonds shall be legal investments for specified institutions and funds in the State of Texas and shall be eligible to secure the deposit of public funds in the State of Texas, exempting such bonds from taxation; and declaring an emergency."

To Committee on State Affairs.

By Senator Brownlee:

S. B. No. 269, A bill to be entitled "An Act to amend Articles 3927 and 3928, Revised Civil Statutes 1925; providing the effective date of the Act; repealing all Acts inconsistent herewith; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Sulak:

S. B. No. 270, A bill to be entitled "An Act appropriating the sum of One Hundred Thousand (\$100,000.00) Dollars, or as much thereof as may be necessary for a period not to exceed two years, to the State Department of Health for laboratory supplies and services, and for improving sanitary and health conditions and enforcing health rules and regulations in areas adjacent to army camps, naval bases, flying fields, munition factories, airplane factories, and other defense areas in Texas; give technical assistance to armed forces in Texas; authorizing the State Health Officer to use present personnel and employ additional personnel and purchase supplies or equipment in accordance with existing laws; authorizing the State Health Officer to accept donations or rents, royalties, and uses of land, materials, money, etc.; Health Officer to make biennial report of all donations and expenditures made in pursuance of this Act; and declaring an emergency."

To Committee on Finance.

By Senator Stone:

S. B. No. 271, A bill to be entitled "An Act declaring that members of the Army, Navy or Marine Corps forces stationed in this State, so far as appertains to hunting and fishing, shall be given the same privileges as are given to residents of this State; and declaring an emergency."

To Committee on State Affairs.

By Senators Lanning and Mauritz:

S. B. No. 272, A bill to be entitled "An Act amending Chapter 1 of Title 50, of the Revised Civil Statutes of the State of Texas by adding Article 2929a; providing that no person who has been elected or appointed to an executive or administrative public office in the State of Texas for a term of more than two years shall be eligible to run for nomination or election to any public office the term of which would begin before the expiration of the term of the original office to which such person was elected or appointed, without first resigning from such original office; providing that no election official shall place the name of such ineligible person on the ballot for any election or certify his name as a candidate or nominee; and providing for enforcement of such law by injunction proceedings and other remedies provided in the laws of Texas concerning ineligible candidates; defining the term 'executive or administrative public office' to mean all public offices except the legislative and judicial offices of members of the Legislature and judges of the courts of Texas."

To Committee on Privileges and Elections.

Senate Resolution 58

Senator Hill offered the following resolution:

Whereas, The Hon. John H. Stelle of McLeansboro, Illinois, a distinguished citizen of the State of Illinois, who has served his state as State Treasurer, as Lieutenant Governor and as Governor, is a guest in the City of Austin, and is now within the Capitol building; now, therefore, be it

Resolved by the Senate of the State of Texas, That Governor Stelle be and he is hereby invited to address the Senate, and that he be accorded the privileges of the floor throughout the day.

The resolution was read and was adopted.

Accordingly, the President appointed Senators Hill, Winfield, Sulak and Lovelady as a committee to escort Hon. John H. Stelle to the President's desk.

The committee performed the duty assigned it, and

Senator Hill presented Governor Stelle, who addressed the Senate briefly.

Senate Resolution 59

Senator Lanning offered the following resolution:

Whereas, The Civics class of the Weatherford High School is in the Capitol; and

Whereas, They are here for the purpose of studying our democratic process of government; therefore, be it

Resolved, That the Civics class of the Weatherford High School be extended the privileges of the floor for the day.

The resolution was read and was adopted.

House Bill 271 on Passage to Third Reading

The President laid before the Senate, as the unfinished business, on its passage to third reading (the bill having been read second time on yesterday):

H. B. No. 271, A bill to be entitled "An Act making an appropriation for the support and maintenance of the Judiciary of the State of Texas for the biennium beginning September 1, 1941, and ending August 31, 1943; requiring certain fees paid to clerks or officers of all appellate courts to be deposited monthly in the State Treasury; prescribing certain rules and restrictions respecting the expenditures of appropriations made herein; suspending all laws in conflict herewith; declaring the invalidity of any portion of this Act shall not affect any other portion; and declaring an emergency."

With amendments (1) and (2) by Senator Aikin pending; the previous question having been ordered on the amendments and the passage of the bill to third reading.

The amendments (1) and (2) (as amended) were adopted.

Record of Votes

Senators Kelley and Formby asked to be recorded as voting "nay" on the amendments.

The bill as amended then was passed to third reading.

House Bill 271 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 271 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 11 on Passage to Engrossment

The President laid before the Senate, as postponed business on its passage to engrossment (the bill having been read second time on yesterday):

S. B. No. 11, A bill to be entitled "An Act providing for the licensing of certain insurance agents, providing for two classes of insurance agents; defining the two classes of insurance agents; defining 'local recording agents,' defining 'solicitor' providing the manner in which a local recording agent shall make application to the Board of Insurance Commissioners for a license to operate, etc."

Question.—Shall the bill be passed to engrossment?

(President Pro Tempore Cotten in the Chair.)

Debate by Winning Teams of South Texas Debate Tournament

At 11:00 o'clock a. m., the President Pro Tempore (pursuant to the provisions of S. R. No. 56) announced the arrival of the hour for a debate in the Senate Chamber by the winning teams of the South Texas Debate Tournament, held at Yoakum, Texas, on March 7 and 8, 1941.

The President Pro Tempore presented Senator Mauritz, who presented Mr. George Barron, superintendent of the public schools of Yoakum, Texas, in charge of the debate, who in turn presented Joe Allbritton and Charles McGregor of the Sam Houston High School of Houston and Aaron Scriff and Jack Skaggs of the Thomas Jefferson High School of San Antonio.

The two debate teams then debated the question, Resolved, That Texas Should Increase the Taxes on Natural Resources.

Message from the House

The Assistant Reading Clerk of the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
March 11, 1941.

Hon. Coke R. Stevenson, President of
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. C. R. No. 55, Commending the Governor for setting aside March 8th as Texas Farm Day.

H. C. R. No. 56, Relative to appointment of committee to investigate the cost of fireproofing the Land Office Building.

H. B. No. 98, A bill to be entitled "An Act authorizing and directing the Board of Regents of the University of Texas to request the War and Navy Departments of the United States to establish and maintain military and naval training at said institution; and authorizing the Board of Regents to enter into contracts for such purposes; authorizing the Board of Regents to establish regulations

as to credit toward degree requirements; providing the training shall not be required for entrance or graduation; and declaring an emergency."

H. B. No. 137, A bill to be entitled "An Act granting to Arol Kerley and W. E. Pendergrass permission and right to sue the State of Texas and the Railroad Commission of the State of Texas, for damages arising from the following claim: That on September 21st, 1940, while said parties were traveling in an automobile on the Wright City-Henderson Highway, another automobile belonging to the Railroad Commission of the State of Texas, or to the State of Texas, and operated or caused to be operated by said Railroad Commission or the State of Texas, was negligently operated into that in which said parties were riding, so as to cause injury and damage to them and to said automobile; and declaring an emergency."

H. B. No. 139, A bill to be entitled "An Act validating all zoning ordinances and amendments thereto heretofore passed by the Legislative Bodies of cities and incorporated villages pursuant to Chapter 283, Acts of the 40th Legislature and declaring such ordinances to be in full force and effect, insofar as the required procedure and public notices for the passage of such ordinances and the publication of such ordinances is concerned, as if passed in strict compliance with all the requirements of Chapter 283, Acts of the 40th Legislature and other applicable general laws of the State of Texas and charter provisions; providing that this Act shall not apply to any proceedings in which the validity of the procedure for the passage of such ordinances or the regularity of the publication of such ordinances has been contested or attacked in suit or litigation which is pending at the time this Act becomes a law; and declaring an emergency."

H. B. No. 144, A bill to be entitled "An Act amending Article 3902, Section 1, of the Revised Civil Statutes of 1925, by adding Section 1b, providing for salaries of heads of departments which may be appointed by the commissioners' courts of counties having a population of not less than twenty-four thousand and five hundred (24,500), and not more than twenty-four thousand and seven

hundred (24,700), according to the last Federal Census; and declaring an emergency."

H. B. No. 154, A bill to be entitled "An Act to amend Section 24, Chapter 241, H. B. 755, Acts of the Regular Session of the 44th Legislature, by adding a new paragraph to said Section 24, to be known as Subsection (c); directing the Treasurer to promulgate rules and regulations providing for the exchange or replacement of new stamps for any stamps affixed to any package of cigarettes under certain circumstances, and declaring an emergency."

H. B. No. 159, A bill to be entitled "An Act relating to marks and brands of live stock in Gonzales County only; amending Article 6899 of the Revised Civil Statutes of Texas, by adding thereto a new section requiring that in said county each owner of any live stock mentioned in Chapter 1 of Title 121 of the Revised Civil Statutes of Texas, of 1925, shall within six (6) months after this Act takes effect, have his mark and brand for such stock recorded at the office of the County Clerk of said county; and providing that such owners shall so record such marks and brands whether heretofore recorded or not and that after the expiration of six (6) months from taking effect of this Act all records and marks and brands now in existence shall no longer have any force or effect and that after the expiration of six (6) months only the records made after this Act shall be effective and considered the recorded marks and brands in said county; and further providing that the County Clerk of said county shall publish this Act in some newspaper in general circulation in the county for a period of thirty (30) days; and declaring an emergency."

H. B. No. 110, A bill to be entitled "An Act to create and dedicate a State Park in the County of Cherokee, two (2) miles Northeast of the Town of Rusk, to include the homestead of General Joseph L. Hogg, the birthplace of Governor James Stephen Hogg, such as now owned by the descendants of James Stephen Hogg and the Town of Rusk and such adjacent land as may be acquired by the State Parks Board by donation as a part of the park to be established, said park to be known as the Jim Hogg Memo-

rial Park; providing for commissioners to serve without pay; and providing an appropriation; and declaring an emergency."

H. B. No. 157, A bill to be entitled "An Act amending Section 15 of Chapter 16, Acts of the 44th Legislature, Regular Session, by providing for the payment of certain traveling and other necessary expenses; and declaring an emergency."

H. B. No. 201, A bill to be entitled "An Act amending Section 11 of Article 2351 of the Revised Civil Statutes of Texas, 1925, as amended, pertaining to the powers and duties of commissioners' courts by adding thereto a provision authorizing the commissioners' court to appropriate money not exceeding Seventy-five Thousand Dollars (\$75,000.00) out of any available funds, to lend to, or deposit with any agency of the State of Texas or of the United States, to aid and assist in carrying out the purposes and provisions of an Act of Congress of the United States, pertaining to the distribution of surplus commodities under the direction of the Surplus Marketing Administration in the Department of Agriculture of the United States and all regulations issued thereunder creating the Food Stamp Plan or system; and declaring an emergency."

H. B. No. 218, A bill to be entitled "An Act to provide a hearing as to the sanity of persons who have previously been judicially declared to be of unsound mind; setting out procedure with reference thereto; and providing for venue of said cause of action; and declaring an emergency."

H. B. No. 247, A bill to be entitled "An Act to amend Article 6078 of the Revised Civil Statutes of 1925, so as to fix the number and extent of county parks; and declaring an emergency."

H. B. No. 256, A bill to be entitled "An Act to provide that the commissioners' court of any county in the State may abolish dormant road districts which have paid off and discharged all of the bonds issued and sold by said road district, or when an election in such created road district for issuance of bonds shall have failed, or when the bonds issued by such road district have been assumed and exchanged for county bonds under the compensation bond statutes, Chapter 16, page 23, General Laws, Thirty-

ninth Legislature, First Called Session, 1926; and declaring an emergency."

H. B. No. 262, A bill to be entitled "An Act authorizing the commissioners' court in all counties of this State to provide fire protection and fire fighting equipment for the citizens of the county outside of any city, town or village therein, either by the purchase and maintenance by the county of the necessary equipment, or by entering into contracts with the governing body of cities, towns or villages located within the county for the use of the fire fighting equipment of the city, town or village; providing that the operation of any fire fighting equipment outside the city limits of any city, town or village, pursuant to contracts with the commissioners' court of the county, shall be considered as operations of the county, and all persons engaged in such operations, notwithstanding they may be employees of a city, town or village, shall be considered as agents for the county in all respects; and declaring an emergency."

H. B. No. 263, A bill to be entitled "An Act to amend Article 4742 of Chapter 3, of Title 78, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 295, A bill to be entitled "An Act amending Section 19, subsection h, of Senate Bill No. 5, Acts of the Forty-fourth Legislature, Second Called Session, also known as subsection h of Section 19 of Article 3912e, and all amendments to such Act, by adding thereto subsection h-3 affecting the appointment and salaries of deputies in the offices of district clerks in all counties of two hundred and ninety thousand (290,000) inhabitants and over, and less than three hundred and ninety thousand (390,000) inhabitants, according to the last preceding Federal Census; providing for the method of such appointments and salaries in such counties by the filing of an application with the county judges of such counties; providing for the order of the commissioners' courts of such counties for the payment of said salaries of such deputies out of certain funds of such counties; providing for the oath to be taken by such deputies; providing for the method of discharge or removal of such deputies, and for

the increase or decrease of the number of such deputies; providing for the repeal of all laws in conflict herewith; providing for a saving clause; and declaring an emergency."

H. B. No. 349, A bill to be entitled "An Act authorizing the Board of Regents of the University of Texas and the branches thereof, the Board of Directors of the Agricultural and Mechanical College and its branches, the Board of Directors of Texas Technological College, the Board of Regents of the State Teachers' Colleges, the Board of Directors of the Texas State College for Women, and the Board of Directors of the College of Arts and Industries to charge students building use fees of not to exceed Five (\$5.00) Dollars per semester for the construction and equipment of buildings and power plants, the paving of streets, the purchase of land, and for other capital improvements; providing that such acquisition, equipment and construction shall be without cost to the State of Texas; providing for the issuance of negotiable revenue bonds to be secured by a pledge of such building use fees and that such bonds may be additionally secured by a pledge of the revenues from buildings and facilities of such institutions; making it the duty of the governing boards of such institutions to fix adequate fees and charges; requiring approval of such bonds by the Attorney General and prescribing the effect thereof; providing that bonds issued under this Act shall be eligible investments for the Permanent School Fund of Texas; and declaring an emergency."

H. B. No. 356, A bill to be entitled "An Act authorizing the commissioners' court in certain counties to allow each county commissioner certain expenses in connection with the performing of the duties as road commissioner in addition to the duties as county commissioner; providing for the payment of the same; and declaring an emergency."

H. B. No. 378, A bill to be entitled "An Act making appropriations to pay the Presidential Electors of Texas, providing how it shall be made; and declaring an emergency."

H. B. No. 389, A bill to be entitled "An Act amending Article 5954 of the Revised Civil Statutes of 1925, relative to authority of notaries public

and requiring them to print or stamp their name under their signature when signed in their official capacity; and declaring an emergency."

H. B. No. 405, A bill to be entitled "An Act amending the 'Lower Colorado River Authority Act,' Chapter 7, Acts of the Fourth Called Session, Forty-third Legislature, by adding a new Section to be known as Section 3-a, to provide that the Directors of the Authority who shall be appointed subsequent to the effective date of this Act shall be residents of counties through which the Colorado River flows or which are adjacent to the Colorado; and declaring an emergency."

H. B. No. 408, A bill to be entitled "An Act authorizing the commissioners' court in any county having a population of not less than ten thousand, three hundred and eighty (10,380) and not more than ten thousand, three hundred and ninety (10,390) inhabitants, according to the last preceding Federal Census, to lease any county hospital belonging to said county, and providing for the terms of said lease; and declaring an emergency."

H. B. No. 409, A bill to be entitled "An Act to amend Article 1645, Title 34, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 35, General and Special Laws passed at the First Called Session of the Fortieth Legislature, as amended by Chapter 28, General and Special Laws passed at the First Called Session of the Forty-first Legislature, as amended by Chapter 15, General and Special Laws, passed at the Second Called Session of the Forty-second Legislature, as amended by Chapter 4, Special Laws passed at the Regular Session of the Forty-sixth Legislature, relating to the appointment and compensation of county auditors in counties containing a population of thirty-five thousand (35,000) inhabitants, or over, according to the preceding Federal Census, or having a tax valuation of Fifteen Million (\$15,000,000) Dollars, according to the last approved tax rolls; and providing that in all counties of not less than ten thousand, three hundred and eighty (10,380) inhabitants and not more than ten thousand, three hundred and ninety (10,390) inhabitants according to the 1940 Federal Census, the commissioners'

courts thereof shall have the power to determine whether an auditor for such county is a public necessity in the dispatch of the county's business, and if such court determines that such necessity exists for such auditor, it may appoint same, who shall qualify and perform the duties required of a county auditor in this State, and such commissioners' court shall have the power to discontinue such office at any time that it may determine that such auditor be not a public necessity; and providing for additional compensation for the county auditors in such counties having more than two hundred thousand (200,000) population and not more than three hundred thousand (300,000) population according to the last Federal Census where there is a city and county hospital to care for city and county patients, and where a financial record for such hospital must be kept and reports made to the city and county; and providing that if any portion of this Act be declared unconstitutional or invalid, the remainder shall not be affected thereby; and declaring an emergency."

H. B. No. 412, A bill to be entitled "An Act amending Section 3 of H. B. No. 1152, Regular Session, Forty-fifth Legislature, so as to permit the sale of minnows in Johnson County."

H. B. No. 417, A bill to be entitled "An Act amending Article 190a, Revised Civil Statutes, by adding Childress County to the list of counties named therein; and declaring an emergency."

H. B. No. 424, A bill to be entitled "An Act to permit any county containing a population not less than seven thousand, one hundred (7,100) nor more than seven thousand, four hundred ninety-seven (7,497) according to the last preceding Federal Census to adopt by a majority vote of qualified voters of such county a county unit system to the extent provided in this Act; making provisions for the formation of a county-wide school district therein; making provision for holding election in each such county on the question of the adoption of the provisions of this Act; making provision for holding election in each such county to determine whether an equalization tax not to exceed twenty (20) cents on the One Hundred Dollars (\$100.00) valuation of property shall be levied and

collected annually on all taxable property in the county, such tax to be distributed to the school districts of the county as herein provided; making provision for the assessment and collection of said equalization tax, and prescribing the duties of the County Tax Assessor and Collector and County Superintendent; prescribing the duties of the County Board of School Trustees with respect to such tax and the funds derived therefrom; providing that all rights, duties and powers of the several common and independent school districts in any such county shall remain undisturbed and shall not be affected, except as expressly provided in this Act; providing a saving clause; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 434, A bill to be entitled "An Act relating to marks and brands of livestock in Austin County only; amending Article 6899 of the Revised Civil Statutes of Texas, by adding thereto a new Section to be known as Article 6899f requiring that in said county each owner of any livestock mentioned in Chapter 1, of Title 121 of the Revised Civil Statutes of Texas, of 1925, shall within six (6) months after this Act takes effect, have his mark and brand of such stock recorded at the office of the county clerk of said county; and providing that such owners shall so record such marks and brands whether heretofore recorded or not and that after the expiration of six (6) months from taking effect of this Act all records and marks and brands now in existence shall no longer have any force or effect and that after the expiration of six (6) months only the records made after this Act shall be effective and considered the recorded marks and brands in said county; and further providing that the county clerk of said county shall publish this Act in some newspaper in general circulation in the county for a period of thirty (30) days; and declaring an emergency."

H. B. No. 436, A bill to be entitled "An Act authorizing the commissioners' court in each county in this State having a population of not less than thirty thousand three hundred and sixty (30,360), nor more than thirty thousand four hundred (30,400), according to the last preceding Federal Census, to allow each county commissioner certain expense for travel-

ing and in connection with the use of his automobile on official business only and/or in overseeing the construction work on public roads of the county; requiring each such commissioner to pay the expense of operation and repair of such vehicle so used by him without any further expense whatsoever to the county; and declaring an emergency."

H. B. No. 439, A bill to be entitled "An Act providing a closed season on wild deer and wild turkey in Williamson County, Texas; and providing penalties for the violation of this Act."

H. B. No. 440, A bill to be entitled "An Act to make it unlawful to shoot, kill, maim, injure, molest, entrap, or detain an Antwerp messenger or homing pigeon, commonly called a 'carrier pigeon,' and to provide a penalty for the violation thereof."

H. B. No. 441, A bill to be entitled "An Act making an appropriation for the 'Upper Red River Flood Control and Irrigation District'; designating who shall have authority to execute vouchers under the direction and with the consent of directors of said district; limiting the purposes for which the money may be spent; providing money therein appropriated is intended as a loan and is to be repaid to the State's General Revenue Fund from the first revenue received by said district; and declaring an emergency."

H. B. No. 442, A bill to be entitled "An Act validating certain outstanding road and bridge time warrants of Medina County, Texas, heretofore issued to provide funds for road and bridge purposes, including the purchase of rights-of-way and road machinery; and authorizing the Commissioners' Court of Medina County to fund or refund into coupon road and bridge funding or refunding bonds of said county, said time warrants to the amount of Forty-nine Thousand, Five Hundred (\$49,500.00) Dollars; providing for the approval of said bonds by the Attorney General and their registration by the State Comptroller; and declaring an emergency."

H. B. No. 446, A bill to be entitled "An Act creating a special road law for Brown County, Texas; providing that said county may fund or refund into coupon bonds the scrip and time warrants outstanding against its road

and bridge fund as of the 28th day of February, 1941; setting forth the method of said funding or refunding; validating all acts of the commissioners' court in issuing said scrip and time warrants, validating said scrip and time warrants; providing the General Laws of the State of Texas shall be applicable to Brown County when not in conflict herewith; providing this Act shall be cumulative of all General and Special Laws not in conflict herewith; providing a saving clause; and declaring an emergency."

H. B. No. 447, A bill to be entitled "An Act authorizing the county judge to employ a stenographer or clerk in any county having a population of not more than ten thousand, three hundred and eighty (10,380) and not less than ten thousand, three hundred and ninety (10,390) inhabitants, according to the last preceding Federal Census of 1940; regulating the salary of same; providing for payment of salary; providing for removal; and declaring an emergency."

H. B. No. 471, A bill to be entitled "An Act repealing H. B. No. 907, Chapter 34, Special Laws, Acts of the Forty-sixth Legislature, Regular Session, known as the road work law for Blanco County; and declaring an emergency."

H. B. No. 473, A bill to be entitled "An Act to amend Section 6 of Chapter 264, page 440, General Laws, Forty-second Legislature, Regular Session, 1931, as amended by Chapter 425, page 860, General and Special Laws, Forty-fifth Legislature, Regular Session, 1937, so as to exempt Milam County from a closed season in the taking of wild beaver, wild otter or wild fox, or the taking of the pelts thereof; and declaring an emergency."

H. B. No. 476, A bill to be entitled "An Act amending Article 1654, Revised Civil Statutes of Texas, 1925, as amended by Chapter 35, Acts of the Fortieth Legislature, First Called Session, as amended by Chapter 28, Acts of the Forty-first Legislature, First Called Session, as amended by Chapter 15, Acts of the Forty-second Legislature, Second Called Session, by adding thereto a new Section to be known as Article 1645f providing for county auditors in counties containing a population of not less than twenty-five thousand, four hundred and fifty (25,450) nor more than

twenty-five thousand, five hundred (25,500) according to the last preceding Federal Census; providing for their compensation and the fund from which it shall be paid; and declaring an emergency."

H. B. No. 477, A bill to be entitled "An Act fixing the compensation for county commissioners in certain counties; providing the manner of payment and prescribing the funds from which it shall be paid; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 489, A bill to be entitled "An Act providing that in counties having a population of not less than thirty-one thousand, five hundred (31,500) and not more than thirty-two thousand (32,000), according to the last preceding Federal Census, the provisions of Article 6869, Revised Civil Statutes of Texas, of 1925, as amended, insofar as such limits the number of deputies allowable to sheriffs shall not apply, but the sheriff in any such county shall have the number of deputies allowed him by the commissioners' court of such county; and declaring an emergency."

H. B. No. 494, A bill to be entitled "An Act authorizing the commissioners' court of any county having a population of not less than sixty thousand (60,000) and not more than eighty thousand (80,000), according to the last United States Census, to rent or let to any landowner any tractor, grader, machinery or equipment belonging to said county to be used exclusively upon land belonging to such owner situated in said county, in the construction of terraces, dikes and ditches for the purposes of said conservation and soil erosion prevention and for the purpose of constructing water tanks and reservoirs; and declaring an emergency."

H. B. No. 508, A bill to be entitled "An Act providing for additional traveling expenses for county superintendents of public instruction in counties of Texas having a population of not less than eighteen thousand, nine hundred (18,900) and not more than eighteen thousand, nine hundred thirty (18,930), according to the last preceding Federal Census; and declaring an emergency."

H. B. No. 522, A bill to be entitled "An Act providing that the salary of county commissioners, in counties having a population of not less than

seventeen thousand, four hundred seventy-five (17,475) nor more than seventeen thousand, five hundred (17,500), according to the last Federal Census, and having a taxable valuation in excess of Six Million, Eight Hundred Thousand (\$6,800,000.00) Dollars, for the next preceding year, shall be Eighteen Hundred (\$1,800.00) Dollars per year, payable out of the Road and Bridge Fund of said county; and declaring an emergency."

H. B. No. 540, A bill to be entitled "An Act providing for the sale and transfer by the Texas Prison Board of certain land in the City of Huntsville, Walker County, to United Gas Corporation, in exchange for a tract of land in Huntsville, Walker County, to be conveyed by United Gas Corporation to the Texas Prison Board; authorizing and empowering the Texas Prison Board to make the exchange of said properties and authorizing the chairman or vice-chairman to execute a deed of conveyance to be attested by the board's secretary; and declaring an emergency."

H. B. No. 548, A bill to be entitled "An Act authorizing the commissioners' court in certain counties to allow each county commissioner certain expenses in connection with the performing of the duties as road commissioner in addition to the duties as county commissioner; providing for the payment of the same; and declaring an emergency."

H. B. No. 555, A bill to be entitled "An Act to amend Article 1030 of the Revised Civil Statutes of the State of Texas, 1925, as amended by Acts 1931, Forty-second Legislature, Chapter 5, page 262; providing that a city poll tax shall not be required to vote in any election in this State except in city elections; and declaring an emergency."

H. B. No. 577, A bill to be entitled "An Act prescribing additional duties for county auditors in all counties having not less than forty-one thousand (41,000) inhabitants and not more than forty-two thousand, one hundred (42,100) inhabitants, according to the last preceding Federal Census; fixing the salaries of such county auditors; providing mode and manner of payment thereof; repealing all laws in conflict therewith; and declaring an emergency."

H. B. No. 593, A bill to be entitled "An Act providing for the appoint-

ment by the District Judge of the Sixteenth Judicial District of Texas, composed of the counties of Cooke and Denton, or the Judge of the Judicial District of which the counties of Cooke and Denton are a part thereof, of an official shorthand reporter for such district; providing his qualifications; providing that the salary of said official shorthand reporter shall be fixed and determined by the judge of said district and not otherwise; providing for the manner of payment of said salary and out of what fund; providing for transcript fees and allowance for expenses as provided in Chapter 56, H. B. No. 276, Acts Regular Session of the Forty-first Legislature, 1929, which allowances, as now provided by law being fixed and established as a part of this Act; and declaring an emergency."

H. B. No. 608, A bill to be entitled "An Act amending H. B. No. 438, Acts of the Regular Session, Forty-sixth Legislature, 1939, by eliminating from the provisions thereof counties having a population of not less than seven thousand seven hundred (7,700) and not more than seven thousand eight hundred (7,800) according to the Federal Census of 1930; and declaring an emergency."

H. B. No. 609, A bill to be entitled "An Act amending S. B. No. 367, Acts of the Forty-sixth Legislature, Regular Session, 1939, by eliminating from the provisions thereof all counties having a population of not less than three thousand, three hundred (3,300) and not more than three thousand, four hundred (3,400) according to the Federal Census of 1930; and declaring an emergency."

H. B. No. 610, A bill to be entitled "An Act amending H. B. No. 193, Acts of the Regular Session, Forty-sixth Legislature, 1939, by eliminating from the provisions thereof counties having a population of not less than seven thousand, seven hundred (7,700) and not more than seven thousand, eight hundred (7,800) according to the Federal Census of 1930; and declaring an emergency."

H. B. No. 631, A bill to be entitled "An Act amending Chapter 10, Special Laws, Forty-fourth Legislature, Regular Session, as amended in H. B. No. 30, 'Title: Stock Laws,' Chapter 1, Acts of the Forty-sixth Legislature, Regular Session, making Clay County

eligible to the provisions of this Act; and declaring an emergency."

H. B. No. 649, A bill to be entitled "An Act amending H. B. No. 804, Forty-fifth Legislature, Regular Session, approved May 1, 1937, making it unlawful to keep, impound, confine, or transport game fish in live boxes or ponds, or to have live boxes or ponds where game fish are kept, or to possess a vehicle in which game fish are being transported, and to possess, keep, or place in storage more than thirty game fish in Harrison and Marion Counties, State of Texas; defining the terms 'live box,' 'pond,' 'in storage,' and 'game fish,' as used in this Act; providing for the liberation or destruction of fish confined or impounded, or kept in storage, in violation of this Act, and providing penalties for the violation of this Act; all laws and parts of laws conflicting herewith are hereby repealed; and declaring an emergency."

H. B. No. 652, A bill to be entitled "An Act empowering the commissioners' court to fix the salary of county officers in counties having a population of not less than twenty-one thousand, nine hundred and eighty-five (21,985) and not more than twenty-three thousand and fifteen (23,015), according to the last preceding Federal Census; repealing all laws and parts of laws in conflict; and declaring an emergency."

H. B. No. 650, A bill to be entitled "An Act making it unlawful for any person to catch, take, or retain in one day, or have in his possession, more than fifteen (15) bass, or more than fifteen (15) crappie or white perch, or more than thirty (30) in the aggregate of both bass and crappie or white perch, thirty (30) game fish and thirty-six (36) goggle-eye and bream totaling sixty-six (66) in Harrison or Marion County, Texas; defining guides, and making it unlawful for guides to catch, take, or retain, or have in their possession, any bass or crappie or white perch in either Harrison or Marion County, Texas; providing penalties for violation thereof; all laws and parts of laws conflicting herewith are hereby repealed; and declaring an emergency."

H. B. No. 654, A bill to be entitled "An Act to amend Article 2350c of Chapter 9, Title 44, of the Revised Statutes of Texas of 1925, as enacted

by Chapter 29 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, and as amended by Chapter 98 of the General Laws, Regular Session of the Thirty-sixth Legislature, and as amended by Chapter 184 of the General Laws, Regular Session of the Thirty-eighth Legislature, and relating to the compensation of county commissioners; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 708, A bill to be entitled "An Act to create Road District No. 4, of Lamb County, Texas; defining its boundaries; providing that said district shall be governed and controlled by the provisions of Chapter 16, General Laws, Thirty-ninth Legislature, First Called Session, 1926, and amendments, except as herein otherwise provided; conferring upon said road district all the rights, powers, privileges and duties conferred and imposed by the General Laws of Texas upon road districts; providing that any territory included within the bounds of said district, as created by this Act, shall remain chargeable with any and all outstanding bonded indebtedness heretofore voted by such territory, under authority of Section 52, Article 3, of the Constitution; providing that nothing in this Act shall be construed as affecting the organization and establishment of Road District No. 2, of Lamb County, Texas, the indebtedness now outstanding against said Road District No. 2, and/or the levy of taxes in payment thereof, (a portion of the territory in said Road District No. 2 being included in the territory described in Section 1 of this Act); providing that said Road District No. 2 shall continue to operate as a defined road district over the territory included within its limits, described and defined in that certain order of the Commissioners' Court of Lamb County, Texas, passed by said court on April 18, 1921, recorded in book 2, page 8, et seq., minutes of said court, and to which order special reference is made by Chapter 388, Special Laws passed by the Thirty-ninth Legislature at its First Called Session in 1926, creating said Road District No. 2; providing that nothing herein shall be construed as prohibiting said Road District No. 2 from hereafter issuing road bonds on its faith and credit within the limitations

prescribed by Section 52, Article 3, of the Constitution; providing that it shall not be necessary for Road District No. 4, of Lamb County, Texas, hereby created, to vote and issue bonds to compensate Road District No. 2; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

The House has concurred in Senate amendments to H. C. R. No. 38, by a vote of 137 ayes and 0 noes.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Senate Bill 11 on Passage to Engrossment

The Senate resumed consideration of pending business, S. B. No. 11, on its passage to engrossment.

Question—Shall the bill be passed to engrossment?

Adjournment

Senator Vick moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—16

Aikin	Mauritz
Beck	Metcalf
Chadick	Moffett
Cotten	Moore
Hill	Shivers
Isbell	Smith
Lanning	Sulak
Lovelady	Vick

Nays—10

Brownlee	Ramsey
Formby	Stone
Hazlewood	Weinert
Kelley	Winfield
Martin	York

Absent

Fain	Lemens
Graves	Van Zandt

Absent—Excused

Spears

The Senate, accordingly, at 12.25 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

THIRTY-FOURTH DAY

(Wednesday, March 12, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

A quorum was announced present.

Rev. Kenneth Pope, Pastor of the First Methodist Church of Austin, offered prayer.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Senate Bills on First Reading

The following bills were introduced, read severally first time and referred by the President to the committees indicated:

By Senator Van Zandt (by request):

S. B. No. 273, A bill to be entitled "An Act amending Chapter 138, Acts of the Regular Session of the Forty-third Legislature, as amended by Acts of the Regular Session of the Forty-fourth Legislature, 1935, Chapter 289, page 679, known as H. B. No. 522, and codified as Article 5068b, Vernon's Annotated Civil Statutes of Texas, so as to amend Section 1 thereof to include agents of burial associations, group hospital service companies or associations, and fraternal benefit societies or associations; providing that each agent shall make application for a license to act as agent for a particular insurance company;